



PSYCHOLOGICAL HARASSMENT POLICY

1. DATE

Adopted September 2004; reformatted January 2017.

2. PURPOSE

Marianopolis College, in accordance with the Quebec Charter of Human Rights and Freedoms, respects the dignity of everyone in the College community. The College is committed to providing an environment that is free from discrimination and harassment. All members of the College community share responsibility to prevent discrimination and harassment.

The objectives of this policy are:

- to make the College community aware of the kind of behaviour that is unacceptable and the consequences of such behaviour;
- to outline mechanisms for formal action;
- to encourage individuals to exercise their rights, maintain their dignity, and refuse to submit to the pressure of harassment.

3. SCOPE

The present policy covers harassment by a College employee, a College student or other member of the College community that is directed towards a College employee, a College student or other member of the College community. Provisions of this policy may also be used in situations where a member of the College community, while in the performance of his or her duties for the College, is harassed by a non-member of the College community.

4. DEFINITION

For the purpose of the present policy, harassment is defined as:

- Any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comment actions or gestures, that affects an individual's dignity or psychological or physical integrity and that results in a harmful work environment for the employee or interferes with an individual's performance.
- Implied or expressed promise of reward for complying with harassing request.
- Implied or expressed threat of reprisal, actual reprisal or the denial of opportunity for refusal to comply with a harassing request;

- A single serious incident of such behaviour that has a lasting harmful effect on the individual can also constitute harassment.

Harassment can be an abuse of power over another person and can include, but is not limited to, such behaviours as:

- Unwelcome or degrading remarks, slurs, jokes, taunts, or suggestions about a individual's physical attributes, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual identity, sexual orientation, or other personal characteristics;
- Unwelcome sexual remarks, invitations or requests;
- Displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- Written or verbal abuse or threats;
- Practical jokes that embarrass or insult someone;
- Leering or other offensive gestures;
- Unwelcome physical contact, such as patting, touching, pinching, hitting;
- Patronizing or condescending behaviour;
- Humiliating an individual in front of peers;
- Abuse of authority that undermines an individual's performance or threatens his or her status.
- Physical or sexual assault.
- Insisting that an individual commit illegal acts in the exercise of his/her functions.

5. ADDRESSING HARASSMENT

The College addresses the problem of harassment in four ways:

- through the establishment of an Anti-Harassment Education Committee whose main objective will be prevention through an information campaign;
- through the naming of confidants to advise and assist complainants of harassment;
- through the establishment of specific mechanisms for dealing with alleged harassment;
- through the training of personnel involved in the application of the policy.

6. ANTI-HARASSMENT EDUCATION COMMITTEE

6.1 Mandate: The Committee is responsible for the education of the Marianopolis Community leading to the prevention of harassment at the College. Its responsibilities are:

- to inform the College community of the Harassment Policy;
- to promote within the College community awareness of harassment;
- to publicize the role of confidants in assisting complainants;
- to provide an annual report to the Board on the Committee's activities;
- if necessary, to recommend to the Board changes to the policy;
- to recommend to individuals or groups in the College changes to other existing practices and policies to ensure coherence with this policy.

6.2 Composition: The Committee is composed of the following:

- the Coordinator of Student Services,
- the Coordinator of Human Resources,

- two counsellors,
- one member elected by the teaching personnel to a three-year term,
- one member elected by the staff to a three-year term,
- the Coordinator of Advocacy for Student Congress,
- one student at large appointed by Student Congress.

This Committee shall elect its own Chair.

7. ROLE OF CONFIDANTS

- 7.1** Complainants of harassment must be able to confide in someone they trust, someone who can be supportive and who is competent to advise them. At no time will the confidant take on any mediating, investigative or decision-making role. The confidant will function exclusively as a support person and facilitator.
- 7.2** Appointment: The two counsellors, who are members of the Anti- Harassment Education Committee, or their replacements in the case of conflict of interest, shall fill the role of confidant.
- 7.3** The responsibilities are:
- to assist the complainants in dealing with the emotional impact of the experience and the events leading up to and following their visit;
 - to advise them of possible recourse actions and their ramifications;
 - to advise of possible ways to address the situation such as counselling, a course transfer or withdrawal (via a request to the Associate Academic Dean), or a formal complaint;
 - to assist the complainant, if requested, in recording in writing the events constituting the grounds for complaint;
 - to present the written complaint, at the request of the complainant, to the Coordinator of Human Resources when the complaint is directed towards a College employee, or to the Coordinator of Student Services when the complaint is directed towards a student.

8. MECHANISMS FOR FORMAL ACTION

A complainant who decides to take formal action must, with the assistance of the confidant, record the events relevant to the complaint. The testimony may be signed or unsigned.

8.1 Unsigned Written Complaint:

- 8.1.1** If complainants do not wish their identity to become public, they may undertake to pass on an unsigned written complaint to the Coordinator of Human Resources when the complaint is directed against a College employee or to the Coordinator of Student Services when the complaint is directed against a student. Complaints directed against another member of the College community or against a non-member of the College community will be directed to the Coordinator of Human Resources.
- 8.1.2** The Coordinator of Human Resources or the Coordinator of Student Services, as the case may be, will then arrange a meeting with the alleged harasser,

who may attend the meeting alone or accompanied by another College employee or student of his or her choice. This meeting has no punitive implications: its sole purpose is to communicate that a complaint has been made and the nature of the complaint. Since no investigation has been carried out, the Coordinator of Human Resources or the Coordinator of Student Services is not in a position to judge either the veracity of the complaint or to attempt to elicit a response from the alleged harasser.

8.1.3 No record is kept of the meeting and it does not constitute in any sense a warning. After the meeting, the Coordinator of Human Resources or Coordinator of Student Services will inform the confidant that the meeting has taken place.

8.2 Signed Written Complaint: The confidant will refer, for further action, a signed written complaint directed against a College Employee, another non-student member of the College community, or non-member of the College community, to the Coordinator of Human Resources or a signed written complaint directed against a College student to the Coordinator of Student Services. Should the Coordinator of Student Services or the Coordinator of Human Resources be unable to fulfill their role, the Director General will name a replacement.

8.3 Pedagogical Recourse for the Complainant: The confidant may recommend to the Associate Academic Dean a section or course transfer for the complainant. The Associate Academic Dean will study the recommendation from the confidant and advise the complainant and the confidant of the decision.

9. DISCIPLINARY OR OTHER ACTION

9.1 Against an Employee, Non-Student Member of the College community, or Non-Member of the College community:

9.1.1 Within a reasonable delay of receipt of a signed written complaint against an employee, non-student member of the College community, or non-member of the College community, the Coordinator of Human Resources will undertake to investigate the matter in the most appropriate way under the circumstances.

9.1.2 At any stage of investigation, and depending upon the circumstances and when warranted, the Coordinator of Human Resources may also endeavour to find solutions to the complaint and achieve a satisfactory settlement of the complaint.

9.1.3 The Coordinator of Human Resources will normally first arrange a meeting with the complainant.

9.1.4 If the matter requires further action, the Coordinator of Human Resources will arrange a meeting with the alleged harasser.

9.1.5 At the request of the alleged harasser, the Coordinator of Human Resources will arrange a meeting of the alleged harasser, the Coordinator of Human Resources and the confidant. The complainant may also choose to attend. Each party may ask questions of the other. If the complainant is not present, the alleged harasser may submit written questions to the complainant, to be answered in writing within a reasonable delay.

- 9.1.6 From the result of the investigation and failing a settlement, the Coordinator of Human Resources will decide on the proper course of action to be taken under the circumstances.
- 9.1.7 When there is sufficient evidence and when warranted, the Coordinator of Human Resources will initiate disciplinary action in the case of an employee or other action in case of another non-student member of the College community or non-member of the College community. As per accepted labour relations norms, these disciplinary sanctions against employees can include letters of reprimand, suspensions or dismissal from the College.
- 9.1.8 The Coordinator of Human Resources will inform the complainant and the confidant of the decision in writing.
- 9.1.9 An appeal may be made to the Director General within ten (10) days of the decision of the Coordinator of Human Resources. The decision of the Director General is final.

9.2 Against A Student:

- 9.2.1 Within a reasonable delay of the receipt of a signed written complaint against a student, the Coordinator of Student Services will undertake to investigate the matter in the most appropriate way under the circumstances.
- 9.2.2 At any stage of the investigation, and depending upon the circumstances and when warranted, the Coordinator of Student Services may also endeavour to find solutions and a satisfactory settlement of the complaint.
- 9.2.3 The Coordinator of Student Services will normally first arrange a meeting with the complainant.
- 9.2.4 If the matter requires further action, the Coordinator of Student Services will arrange a meeting with the alleged harasser.
- 9.2.5 At the request of the alleged harasser, the Coordinator of Student Services will arrange a meeting of the alleged harasser, the Coordinator of Student Services and the confidant. The complainant may also choose to attend. Each party may ask questions of the other. If the complainant is not present, the alleged harasser may submit written questions to the complainant, to be answered in writing within a reasonable delay.
- 9.2.6 From the result of the investigation and failing a settlement, the Coordinator of Student Services will decide on the proper course of action to be taken under the circumstances.
- 9.2.7 When there is sufficient evidence and when warranted, the Coordinator of Student Services will initiate disciplinary action in accordance with the Policy on Student Conduct.
- 9.2.8 The Coordinator of Student Services or the Associate Academic Dean will inform the complainant and the confidant of the decision in writing.
- 9.2.9 An appeal may be made to the Director General in accordance with the Policy on Student Conduct.

- 9.3 Meeting Support:** In the event that in the application of this section a meeting is called by the Coordinator of Human Resources or the Coordinator of Student Services, the complainant and alleged harasser each has the option to attend alone or accompanied by a College student or College employee of their choice.

10. UNFOUNDED COMPLAINTS

In the event a complaint is found to be without foundation the complainant may be subject to disciplinary action.

11. CONFIDENTIALITY

All actions taken in response to requests for review will be undertaken with the maximum possible confidentiality subject to the requirements inherent in conducting a full review.

12. LEGAL RESPONSIBILITY

The College has every intention of respecting the Harassment Policy in all details. The College might under certain circumstances be bound to notify legal authorities that an illegal act may have been committed.